TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1904.

No. 259.

GEORGE A. BARTLETT, APPELLANT,

vs.

THE UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

FILED MAY 16, 1904.

(19,357.)

(19,357.)

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JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., JUNE 2, 1904.

1 In the Court of Claims.

GEORGE A. BARTLETT
vs.
THE UNITED STATES. } No. 23009.

I.—*Petition. Filed October* 16, 1902.

To the honorable the Chief Justice and associate judges of the Court of Claims:

The petitioner, George A. Bartlett, respectfully represents that he is a citizen of the United States and a resident of the city of Washington in the District of Columbia.

II.

Petitioner further represents that heretofore, to wit, on the 27th day of November, A. D. 1891, he was appointed by the Secretary of the Treasury, under the authority of section 3658 of the Revised Statutes of the United States, a disbursing agent for such funds as might be advanced to him from time to time on account of the appropriation for post office, Washington, D. C.; that there was no collector at the place of the location of said post office in the city of Washington in the District of Columbia; that a copy of his said appointment is hereto attached, marked Exhibit A and is prayed to be read and considered a part of this petition; that by the terms of his said appointment he was informed that he would be entitled to such compensation for the services named as is provided by law and that the same rate of compensation would be allowed to him on all amounts disbursed since October 15, 1891, on account of the
2 appropriation named and that he accepted the said appointment and disbursed the funds advanced to him from time to time on account of the said appropriation made by the Congress of the United States amounting in the aggregate to the sum of two millions four hundred and fifty thousand seven hundred and ten dollars and ten cents ($2,450,710.10), between the 15th day of October, 1891, and the 30th day of April, 1900.

III.

Petitioner further says that he rendered monthly statements of his disbursements and retained in his hands from month to month during the time of the performance of the duties imposed upon him by said appointment and its acceptance, from the 15th day of October, A. D. 1901, up to September 1, 1899, a sufficient sum of money to pay to him, the petitioner, such compensation as he deemed himself entitled to under the law in accordance with the terms of his said appointment; that after September 1, 1899, vouchers and

accounts were presented to petitioner for payment on account of said appropriation, and he was directed to pay the same by superior authority; that he had no funds out of which payment of such accounts and vouchers could be made except the money which he believed rightfully belonged to him for and on account of his compensation, but he refrained from applying the funds thus in his hands to his compensation and disbursed the same under and in accordance with his instructions. And petitioner further says that when he had disbursed all the funds which from time to time came into his hands on account of the named appropriation, on or about the 8th day of May, A. D. 1900, he presented to the accounting officers of the Treasury a demand for compensation for and on account of the services herein set forth, which demand was denied by settlement No. 26,637, dated October 5, 1900; that thereafter
3 he presented his said claim for revision by the said accounting officers of the Treasury, and the same was again denied under the authority of a decision of the Comptroller of the Treasury dated June 30, 1902.

IV.

Petitioner further states that he claims compensation for and on account of his services herein set forth at the rate of three-eighths of one per centum of the money disbursed, that is to say on the sum of two millions four hundred and fifty thousand seven hundred and ten dollars and ten cents ($2,450,710.10), amounting to the sum of nine thousand one hundred and ninety dollars and twenty cents ($9,190.20); that petitioner is the sole owner of said claim upon which this action is based; that he has not transferred or assigned any part thereof or any interest therein, and that no person other than petitioner is interested therein, and that petitioner is justly entitled to the amount herein claimed from the United States after allowing all just credits and offsets.

Wherefore petitioner prays judgment in the sum of nine thousand one hundred and ninety dollars and twenty cents, ($9,190.20).

GEO. A. BARTLETT.

J. M. VALE,
Attorney for Petitioner.

DISTRICT OF COLUMBIA, ss:

I, George A. Bartlett, being duly sworn, do state on oath, that I am the claimant in the foregoing petition by me subscribed, and that the matters and things set forth in said petition are true as I verily believe.

GEO. A. BARTLETT.

Subscribed and sworn to before me this 19th day of Sept., 1902.

ALBERT C. FLOYD,
Notary Public.

[SEAL.]

EXHIBIT A.

OFFICE OF THE SECRETARY, G.
WASHINGTON, D. C., *November* 27, 1891.

Mr. George A. Bartlett, disbursing clerk, Treasury Department, Washington, D. C.

SIR: You are hereby appointed disbursing agent for such funds as may be advanced to you from time to time, on account of the appropriation for post office, Washington, D. C.

You will be entitled to such compensation, for the services named, as is provided by law, and the same rate of compensation will be allowed on all amounts disbursed by you, since October 15th, 1891, on account of the appropriation named.

Disbursements will be made upon vouchers, issued and properly certified by Thomas C. Steward, superintendent of construction, post office, Washington, D. C.

Respectfully yours, O. L. SPAULDING,
Acting Secretary.

M., Mch., Edbrooke. R. D. M., N.

4 II.—*Traverse. Filed March* 2, 1904.

In the Court of Claims of the United States, December Term, A. D. 1903.

GEORGE A. BARTLETT
vs.
THE UNITED STATES. } No. 23009.

And now comes the Attorney General, on behalf of the United States, and answering the petition of the claimant herein, denies each and every allegation therein contained; and asks judgment that the petition be dismissed.

L. A. PRADT,
Assistant Attorney General.
W.

III.—*Argument and Submission of Case.*

This cause was argued on the 2nd and 3d days of March 1904 and submitted.

5 IV.—*Findings of Fact and Conclusion of Law. Filed March 21, 1904.*

This case having been heard before the Court of Claims, the court, upon the evidence, makes the following

Findings of Fact.

I.

The claimant is a citizen of the United States.

II.

While holding the office of disbursing clerk of the Treasury Department, for which he had given bond and taken the oath of office, as required by law, the Secretary of the Treasury, on the date named below, addressed to the claimant the following communication:

"OFFICE OF THE SECRETARY,
"WASHINGTON, D. C., *November* 27, 1891.

"George A. Bartlett, disbursing clerk, Treasury Department, Washington, D. C.

"SIR: You are hereby appointed disbursing agent for such funds as may be advanced to you from time to time on account of the appropriation for post-office, Washington, D. C.

"You will be entitled to such compensation for the services named as is provided by law, and the same rate of compensation will be allowed on all amounts disbursed by you since October 15, 1891, on account of the appropriation named.

"Disbursements will be made upon vouchers issued and properly certified by Thomas C. Steward, superintendent of construction, post-office, Washington, D. C.

"Respectfully, yours, O. L. SPAULDING,
"*Acting Secretary.*"

For the performance of the duties therein specified the claimant was not required to give additional bond or take any other oath of office.

III.

In accordance with the requirements of the communication aforesaid the claimant, from October 15, 1891, to April 4, 1900, disbursed, of the money passed to his credit on requisition in the Treasury Department therefor, the sum of $2,450,710.10 in connection with the construction of the post-office building in the city of Washing-

ton, upon which he claims as reasonably worth three-eighths of 1 per centum upon the sum so disbursed.

Conclusion of Law.

Upon the foregoing findings of fact the court decides as a conclusion of law that the claimant is not entitled to recover, and his petition is therefore dismissed.

6 V.—*Opinion of the Court and Concurrent Opinion.*

PEELLE, J., delivered the opinion of the court:

While the claimant herein was holding the office of disbursing clerk of the Treasury Department, for which he had given bond and taken the oath of office required by law (Revised Statutes, sec. 176), the Secretary of the Treasury addressed to him a communication of which the following is a copy:

"OFFICE OF THE SECRETARY,
"WASHINGTON, D. C., *November* 27, 1891.

"George A. Bartlett, disbursing clerk, Treasury Department, Washington, D. C.

"SIR: You are hereby appointed disbursing agent for such funds as may be advanced to you from time to time, on account of the appropriation for post-office, Washington, D. C.

"You will be entitled to such compensation for the services named as is provided by law, and the same rate of compensation will be allowed on all amounts disbursed by you since October 15, 1891, on account of the appropriation named.

"Disbursements will be made upon vouchers issued and properly certified by Thomas C. Steward, superintendent of construction, post-office, Washington, D. C.

"Respectfully, yours, O. L. SPAULDING,
"*Acting Secretary.*"

For the performance of the duties therein stated no additional bond or oath of office was required of or given by the claimant.

Under the several appropriation acts for the construction of the post-office building in the city of Washington it was made the duty of the Secretary of the Treasury to disburse the moneys appropriated therefor. (26 Stat. L., 413, 414; 27 Stat. L., 351, 573; 28 Stat. L., 373, 913; 29 Stat. L., 415; 30 Stat. L., 13.) And in the execution of the acts the Secretary appointed the claimant herein a disbursing agent to disburse the money appropriated therefor.

The claimant's contention is that he was employed by the Secre-

tary of the Treasury to do the specific thing named in the letter of appointment; that such appointment conferred no office upon him, it being a mere employment to disburse such funds as might be advanced to him on account of the Washington post-office; that the employment did not embrace the idea of duration or permanency, but began and ended with the construction of the building.

The question is, Under which of two statutes does the claimant's appointment, employment, or designation as disbursing agent fall? By Revised Statutes, section 3657, collectors of customs are required to act as disbursing agents for the payment of all moneys appropriated for the construction of public buildings within their respective districts, while by Revised Statutes, section 3658, the Secretary of the Treasury is authorized "where there is no collector at the place of location of any public works specified in the preceding section" to appoint a disbursing agent for the payment of all moneys appropriated for such purpose.

The letter of the Secretary is addressed to the claimant as "disbursing clerk, Treasury Department," and the language therein, "You are hereby appointed disbursing agent," would seem to indicate that the Secretary was intending to act under section 3658, thereby entitling the claimant to such compensation as the Secretary "may deem equitable and just," limited, however, by the act of March 3, 1875 (18 Stat. L., 402, 415), to three-eighths of 1 per centum of the amount disbursed. But that section is modified by the act of August 7, 1882 (22 Stat. L., 306), which provides that "any disbursing agent who has been or may be appointed to disburse any appropriation for any United States court-house and post-office, or other building or grounds, not located within the city of Washington, shall be entitled to the compensation allowed by law to collectors of customs for such amounts as have been or may be disbursed." As in the present case the building constructed was located in the city of Washington; the claimant is excepted from those entitled to "the compensation allowed by law to the collectors of customs" for such services.

The duties which the Secretary devolved upon the claimant were not only germane to his regular duties as disbursing clerk, but were identical therewith, and hence can not be considered as two distinct offices or employments having different duties to perform. At most the duties thus devolved upon the claimant were additional to those he was required to perform as disbursing clerk of the Treasury Department, for which his salary was fixed by the act of March 3, 1875 (18 Stat. L., 396), at $2,500 per annum.

7 It will be noted that under section 3658 the appointment of a disbursing agent can only be made "where there is no collector at the place of location of any public work specified" in section 3657, and such appointment, we think, implies that the agent so appointed shall give bond as an officer (United States *v.* Mouat, 124 U. S., 303, 307) and take the required oath of office before entering upon the discharge of his duties. (Revised Statutes, section 1756.)

Under Revised Statutes, section 255, "the Secretary of the Treasury may designate any officer of the United States, who has given bond for the faithful performance of his duties, to be a disbursing agent for the payment of all moneys appropriated for the construction of public buildings authorized by law within the district of such officer."

In the case of Bartlett *v.* The United States (25 C. Cls. R., 389, 398) wherein this same claimant as disbursing clerk was ordered by the Secretary of the Treasury to pay such vouchers presented, for public buildings throughout the country, as the Secretary might think best to be paid in Washington, the court said: "The claimant was precluded from appointment under section 255, because, not being attached to any district, the buildings for which his disbursements were made were not *within his district*, and he could not have been appointed under section 3658, by special designation in each case, to disburse part of the money appropriated, because there was a collector at the place of location of each of the several buildings, or a disbursing agent, other than the claimant, previously appointed 'for the payment of *all moneys* appropriated for the construction of any such public work.'"

If that ruling be correct, then it follows that in the present case the claimant could have been designated as disbursing agent under section 255, because the public building, for the payment of which the appropriation was to be disbursed, was located "within the district of such officer," *i. e.*, within the city of Washington, and though the letter of the Secretary of the Treasury appears upon its face to be a letter of appointment, yet, as at the date thereof the city of Washington was by Revised Statutes, section 2550, within the customs district of Georgetown, where a collector was provided for (sec. 2551), the claimant could not have been appointed under section 3658; or if appointed thereunder, because at that time there was "no collector at the place of location" of the public building to be constructed, *i. e.*, in the city of Washington, the claimant by virtue of said act of August 7, 1882, *supra*, granting compensation to disbursing agents "not located in the city of Washington," would not be entitled to recover the compensation allowed by law to collectors. Hence the act of February 11, 1895 (28 Stat. L., 650), constituting Georgetown a part of the city of Washington, and continuing the port of entry there under the latter name, is immaterial in this case. That being so, the letter of appointment could only operate in effect to designate the claimant as a disbursing agent under section 255, for which no compensation, additional to that of his regular salary, is provided.

Again, as the claimant did not hold two distinct offices, places, or employments, each with its own duties and compensation, he does not bring himself within the ruling in the case of The United States *v.* Saunders (120 U. S., 126, 129), wherein the court construes Revised Statutes, sections 1763, 1764, and 1765, the last of which sections provides that "no officer in any branch of the public service, or

any other person whose salary, pay, or emoluments, are fixed by law or regulations shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation."

In commenting on those two sections the court in that case said:

"We are of opinion that, taking these sections all together, the purpose of this legislation was to prevent a person holding an office or appointment, for which the law provides a definite compensation by way of salary or otherwise, which is intended to cover all the services which, as such officer, he may be called upon to render, from receiving extra compensation, additional allowances, or pay for other services which may be required of him either by act of Congress or by order of the head of his department, or in any other mode, added to or connected with the regular duties of the place which he holds; but that they have no application to the case of two distinct offices, places, or employments, each of which has its own duties and its own compensation, which offices may both
8 be held by one person at the same time. In the latter case he is in the eye of the law two officers, or holds two places or appointments, the functions of which are separate and distinct, and, according to all the decisions, he is in such case entitled to recover the two compensations. In the former case he performs the added duties under his appointment to a single place, and the statute has provided that he shall receive no additional compensation for that class of duties unless it is so provided by special legislation."

The latter clause of that quotation correctly describes the claimant's services, that is, "he performs the added duties under his appointment to a single place, and the statute has provided that he shall receive no additional compensation for that class of duties unless it is so provided by special legislation," and as there is no special legislation which authorizes additional compensation to the claimant for the services he performed as such disbursing agent he is not entitled to recover, and his petition must therefore be dismissed.

NOTT, Ch. J., concurring:

In 1891 the claimant was "disbursing clerk in the Treasury Department." On the 27th November, 1891, the Secretary of the Treasury appointed him "disbursing agent" on account of the appropriation for the Washington post-office, then about to be erected. There were two diverse statutory provisions then in force—one of which (Rev. Stat., sec. 255) authorized the Secretary of the Treasury to "*designate* any officer of the United States, who has given bonds for the faithful performance of his duties, to be disbursing agent for the payment of all moneys authorized for the construction of public buildings;" the other (sec. 3658) authorized the Secretary, in certain

cases, to "*appoint* a disbursing agent for the payment of all moneys appropriated for the construction of any such public work, with such compensation as he may deem equitable and just." The words of the Secretary were: "You are hereby *appointed disbursing agent* for such funds as may be advanced to you from time to time on account of the appropriation for post-office, Washington, D. C." "You will be entitled to such compensation for the services named as is provided by law." It is therefore manifest that the Secretary did not "designate" the claimant to act under the one section, and did "appoint" him, or intended to appoint him, under the other. The claimant not having been "designated" under section 255, it never became a part of his duty as a disbursing officer in the Treasury to disburse the moneys for the Washington post-office.

The Secretary of the Treasury is something more than an administrative officer. The Supreme Court has held again and again that the heads of the executive departments are charged with the duty of construing the laws which affect the business of their departments; and a clerk in a department may well lean upon the construction given to the statutes by one of the chief officers of state charged with the duty of construing the laws which relate to the business of his department.

Under this appointment the work of disbursing the funds appropriated for the Washington post-office went on for about nine years; and during these nine years the claimant disbursed $2,450,710.10. The work must have been considerable, but the responsibility was very great. If the claimant had committed an error of one dollar in these disbursements that argus-eyed impersonality known as "the accounting officers" would have detected it, and it would have been charged to him and deducted from his salary as disbursing officer. The work, moreover, was done in addition to the regular duties of his office as disbursing officer. That is to say, while he continued to do his ordinary regular work as disbursing clerk of the Treasury Department he was required for nine years to perform other work and to assume a very serious responsibility.

It is plain that the Secretary did not intend to cast this burden upon the claimant without remuneration, and conversely it may be supposed that if the Secretary had known that the service was to be a gratuity rendered to the Government, he would never have appointed him "disbursing agent" of this Washington post-office. Both parties understood that the work was to be in addition to the claimant's ordinary duties; both parties believed that for this additional work he would be compensated.

9 If the responsible managing officer of a private corporation had employed an employee to work over hours under such an agreement, and the corporation had received the benefit of such work, no one could entertain a doubt as to the right of the employee to recover either in *quantum meruit* or for the compensation which the managing officer had agreed to give him.

Nevertheless, the merciless doctrine of *ultra vires*, coupled with

the despotic rule that "while individuals are liable to the extent of the power they have apparently given to their agents, the Government is liable only to the extent of the power it has actually given to its officers," must, I regret to say, preclude the claimant from recovering.

To rightly construe section 255 of Revised Statutes we must go back to the *act 3d March*, 1869 (15 Stat. L., p. 301, 306), from which it is taken verbatim. When that act was passed the *act 23d August*, 1842 (5 Stat. L., p. 510, sec. 2), declared that no officer drawing a fixed salary should receive additional compensation for any service, unless it was authorized by law and a specific appropriation made to pay it. The two statutes, when read together, meant that the Secretary of the Treasury was authorized to require "any officer of the United States, who has given bonds for the faithful performance of his duties, to be disbursing agent for the payment of all moneys appropriated for the construction of public buildings authorized by law within the district of such officer" as an additional duty, and that the officer must discharge the duty without additional compensation. The claimant manifestly cannot recover as a disbursing officer of the Treasury Department. The resultant question is whether he can recover as a "disbursing agent," "appointed" by the Secretary of the Treasury under the other statute, section 3658.

In 1858 Congress instituted a new policy concerning the disbursements for public buildings, and enacted from time to time laws which should govern them. By the *act 12th June 1858* (11 Stat. L., pp. 319, 327, sec. 17), it was provided:

"*And be it further enacted*, That the collectors of the customs in the several collection districts be, and they are hereby and hereafter, required to act as disbursing agents for the payment of all moneys that are or may hereafter be appropriated for the construction of custom-houses, court-houses, post-offices, and marine hospitals, with such compensation, not exceeding one-quarter of one per cent. as the Secretary of the Treasury may deem equitable and just: *And provided further*, That where there is no collector at the place of location of any public work herein specified the superintendent of such public work shall act as disbursing agent without any additional compensation therefor, and all laws and parts of laws in conflict with the provisions of this section be, and the same are hereby, repealed."

Congress amended this act by the *act 28th July, 1868* (14 Stat. L., p. 341), which struck out the proviso and substituted the following:

"*And provided further*, That where there is no collector at the place of location of any public work herein specified the Secretary of the Treasury shall have power to appoint a disbursing agent for the payment of all moneys that are, or may be hereafter, appropriated for the construction of any such public work, with such compensation as he may deem equitable and just, and all laws and parts of laws in conflict with the provisions of this section be, and the same are hereby, repealed."

These provisions became sections 3657 and 3658 of the Revised Statutes. The sum and substance of them is that collectors of customs are required to act as disbursing agents for buildings erected in their districts, "with such compensation, not exceeding one-quarter of 1 per cent., as the Secretary of the Treasury may deem equitable and just," and that "where there is no collector" the Secretary may appoint a disbursing agent, with such compensation as he may deem equitable and just. It seems manifest, therefore, that the legislative intent is that where a building is to be erected in a district in which there is a collector of customs, he should be required to act, and he alone; and, conversely, where the building is to be erected in a district where there is no collector, and there alone, the Secretary is authorized to appoint a disbursing agent.

This legislative intent has not been changed by subsequent legislation. By the *act March 3*, 1869 (15 Stat. L., p. 311, 312) the compensation of officers and agents was cut down to one-eighth of 1 per cent. By the *act 3d March*, 1875 (18 Stat. L., p. 415) the limit of compensation was raised to three-eighths of 1 per cent. By the *act 7th August*, 1882 (22 Stat. L., p. 306) disbursing agents (doubtless referring to those in districts where there is no collector, provided they are "not located in the city of Washington"), were declared to be "entitled to the compensation allowed by law to collectors of customs." The words of the statute are as follows:

"* * * And any disbursing agent who has been or may be appointed to disburse any appropriation for any United States court-house and post-office, or other building or grounds, not located within the city of Washington, shall be entitled to the compensation allowed by law to collectors of customs for such amounts as have been or may be disbursed."

This manifestly relates to compensation and not to the authority of the Secretary of the Treasury to appoint agents. That authority was given by previous legislation and remains unchanged.

The words of this statute just quoted—"not located within the city of Washington"—seem to imply that, in the belief of Congress, there was no collector in the city, or rather that the city of Washington was not in the district of any collector. If that were the case, the effect of this statute would be simply that the agent appointed would not be entitled to the same compensation allowed by law to collectors of customs, but under previous legislation would be entitled to such compensation as the Secretary of the Treasury might see fit to give him. In other words, the act of August 7, 1882, put disbursing agents in districts where there is no collector on the same footing as collectors of customs, excepting those in the city of Washington.

The question in the suit then narrows down simply to this: Was there a collector whom the law intended should be the disbursing agent of the post-office building in the city of Washington? If there was not the claimant is entitled to recover under section 3658 "such compensation as he (the Secretary) may deem equitable and

just." If there was the Secretary of the Treasury was without power to make the appointment, and should have designated a collector of customs to act as disbursing agent.

The Revised Statutes (secs. 2546, 2548, 2550, 2551) provide that "There shall be in the State of Delaware one collection district;" that "There shall be in the State of Maryland three collection districts;" that "There shall be in the District of Columbia one collection district, as follows:

"The district of Georgetown; to comprise all the waters and shores of the Potomac river within the State of Maryland and the District of Columbia from Pomonkey creek to the head of the navigable waters of that river, in which Georgetown shall be the port of entry."

"There shall be in the district of Georgetown a collector."

It seems, then, plain that the city of Washington is within the "district of Georgetown," and that the district of Georgetown has a collector. And it consequently seems plain that the district of Georgetown is not a district where the "Secretary of the Treasury shall have power to appoint a disbursing agent."

11 VI.—*Motion of Claimant to Amend Findings of Fact and Order Overruling Same.*

Comes now plaintiff, by his attorney, J. M. Vale, and moves the court to amend the findings of fact herein by finding, in addition to the facts heretofore found as follows:

IV.

The duties of claimant under and by virtue of his appointment as disbursing agent on account of appropriation for the post office at Washington, in the District of Columbia, were separate and distinct from his duties as disbursing clerk of the Treasury Department, and were so recognized by the Secretary of the Treasury throughout the period covered by his employment as such disbursing agent.

Filed March 26, 1904.

J. M. VALE,
Attorney for Claimant.

Order.

Overruled: Findings show claimant a disbursing clerk; also shows his appointment by Secretary as a disbursing agent, and his performance of the duties.

April 6, 1904.

BY THE COURT.

12 VII.—*Judgment of the Court.*

GEORGE A. BARTLETT
vs.
THE UNITED STATES. } No. 23009.

At a Court of Claims held on the 21st day of March 1904 judgment was ordered to be entered as follows:

The court upon due consideration of the premises find for the defendants and do order, adjudge and decree that the petition of the claimant George A. Bartlett be and the same is hereby dismissed.

BY THE COURT.

13 VIII.—*Application for and Allowance of Appeal.*

Comes now the claimant, George A. Bartlett, by his attorney J. M. Vale, and appeals from the judgment rendered in this cause on the 21st day of March 1904 in favor of the defendants, and prays for the allowance of appeal from said judgment to the Supreme Court of the United States.

J. M. VALE,
Attorney for Claimant.

Filed April 25, 1904.

Ordered that this appeal be allowed as prayed for.

BY THE COURT.

April 25, 1904.

14 In the Court of Claims.

GEORGE A. BARTLETT
vs.
THE UNITED STATES. } No. 23009.

I, John Randolph assistant clerk of the Court of Claims certify that the foregoing are true transcripts of the pleadings in the above-entitled cause—of the findings of fact and conclusion of law filed by the court, of the opinion of the court and the concurring opinion—of motion to amend findings and order overruling same, of the judgment of the court dismissing petition—of the application for and allowance of appeal to the Supreme Court of the United States.

Seal Court of Claims. In testimony whereof I have hereunto set my hand and affixed the seal of said Court of Claims this 16th day of May, A. D. 1904.

JOHN RANDOLPH,
Ass't Clerk Court of Claims.

Endorsed on cover: File No. 19,357. Court of Claims. Term No. 259. George A. Bartlett, appellant, *vs.* The United States. Filed May 16", 1904. File No. 19,357.